

From: Johnson, Kathleen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: 4/20/2017 1:02:04 AM
To: Tomiak, Robert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e43d67fe354a4d06be80afa6eb65e614-Tomiak, Rob]
CC: Moutoux, Nicole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=574b3a85014d46d3965b59700a04a55e-NMOUTOUX]; Knight, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=47fc4b0c90f94826a1d9a48381f4009f-Knight, Kel]; Marshall, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5d29134e5e32489b9ab0aeb262f55075-TMARSHAL]; Brush, Jason [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ade1a32824404ed5a333dcd77f2dfc4a-JBRUSH]; Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Goodin, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3eac342f280a4b9db4079c81f66d1913-JGoodin]; Starfield, Lawrence [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8a89d6cd217d4254a5879abecb3f314e-Starfield, Lawrence]; Goforth, Kathleen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0821ccf0ea9e4c18a3d2a583158b713e-KGOFORTH]
Subject: RE: R9 weekly report

A referral is not made by the region alone. That decision, in the very few times it has been done, is made by the Administrator. In prior administrations that would entail not only a briefing for the Administrator, but a recommendation from the level below that. At this point in time, that would involve Larry, Mike Shapiro and Alexis Strauss.

In the case of Rosemont, there are two potential actions at issue. The ROD/Approval of Mine Plan of Operations by the Forest Service and the Army Corp permit. Because there are two federal actions based on the same NEPA document, it has been our strong desire, and that of CEQ, to coordinate the two actions. In 2012, we rated the DEIS EU-3. In December 2013, the Forest Service issued a Final EIS which, in our view, did not respond sufficiently to the concerns which formed the basis of the EU-3 rating. In an effort to avoid briefing up and potentially making a referral decision, CEQ convened bi-weekly calls on this project for a number of months. In those discussions,

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Previously, we understood that the Forest Service would issue its Mine Plan of Operation at the same time as the ROD. Therefore, in our discussions, we assumed the ROD issuance would be the triggering event for a potential referral. However, we understand that it is the approval of the Mine Plan of Operation that is the federal action which could trigger referral and not the ROD. We also understand that the Forest Service now anticipates a time gap between the issuance of the ROD and its approval of the Mine Plan of Operation. Therefore,

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We have been informed by the Forest Service that they will not issue a Mine Plan of Operation unless the proponent has all of its necessary permits. If this is the case, then these two decisions would automatically align. It would be helpful to get clarification from the Forest Service that this is indeed their intent.

Lastly, throughout the number of months that we have been involved in this project, there has been very little that has changed in terms of the scope of the project, its potential environmental impact or mitigation proposed.

We have scheduled a briefing for you on this matter for Tuesday morning. If you want read ahead materials, your staff (Elaine Suriano) has a copy of the draft referral we put together several weeks ago. If you deem it timely to bring in Larry, Mike and Alexis at this point, we are happy to accommodate but will need some assistance with scheduling.

Kathleen H. Johnson
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From: Tomiak, Robert
Sent: Wednesday, April 19, 2017 3:30 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Subject: Re: R9 weekly report

If referral, we need a draft letter by COB tomorrow to start staffing/vetting here.

Rob

On Apr 19, 2017, at 6:13 PM, Tomiak, Robert <tomiak.robert@epa.gov> wrote:

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Thanks, Rob

On Apr 19, 2017, at 5:38 PM, Johnson, Kathleen <Johnson.Kathleen@epa.gov> wrote:

Jason reports that the groundwater technical meeting yesterday was a rehash of existing information. Nothing new was presented. We will be updating our RA on Friday. We will try to set up a briefing for you on this early next week and would be happy to have anyone from OW also participate.

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From: Tomiak, Robert
Sent: Wednesday, April 19, 2017 6:51 AM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Moutoux, Nicole <Moutoux.Nicole@epa.gov>; Knight, Kelly <knight.kelly@epa.gov>;

Marshall, Tom <marshall.tom@epa.gov>

Subject: RE: R9 weekly report

Kathleen,

We need an update please. I have conferred with our OW counterparts, and can share that outcome as well. Let's set up a coordination call/brief for this afternoon, or tomorrow morning your time.

Thanks, Rob

From: Johnson, Kathleen

Sent: Monday, April 17, 2017 1:05 PM

To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Moutoux, Nicole <Moutoux.Nicole@epa.gov>

Subject: RE: R9 weekly report

Also, FYI, we do not believe that the Army Corp is necessarily moving toward granting the permit. That is yet to be seen. Also, please note that the sufficiency of the mitigation proposed has been the central issue we have been discussing on this matter for over three years.

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From: Strauss, Alexis

Sent: Monday, April 17, 2017 9:56 AM

To: Tomiak, Robert <tomiak.robert@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David <Cozad.David@epa.gov>

Subject: RE: R9 weekly report

I suggest involving the Water programs (Tomas Torres, Jason Brush) after this week's Rosemont meeting, when new info is available. I don't need to be part of that update.

Alexis Strauss
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From: Tomiak, Robert

Sent: Monday, April 17, 2017 9:52 AM

To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Cozad, David
<Cozad.David@epa.gov>

Subject: RE: R9 weekly report

Alexis/Kathleen,

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Larry and I think it would be helpful for a quick coordination call on this. What is your availability today?

Thanks, Rob

From: Strauss, Alexis

Sent: Monday, April 17, 2017 12:06 PM

To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Tomiak, Robert
<tomiak.robert@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Subject: R9 weekly report

From: Strauss, Alexis

Sent: Thursday, April 13, 2017 5:08 PM

To: Weekly Report Group <Weekly_Report_Group@epa.gov>

Cc: Nishida, Jane <Nishida.Jane@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>;

Breen, Barry <Breen.Barry@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>

Subject: R9 weekly report

HOT ISSUES

1. **SAN DIEGO / TIJUANA SEWAGE SPILL: (FYI) next Wednesday, April 19,**
~~federal and state agency executives will join me in EPA's Reg. 9 office to~~

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2. **ROSEMONT (AZ) COPPER MINE: (FYI) next Tuesday, April 18 in Phoenix,**
EPA will join the US Forest Service and the Corps of Engineers to discuss water quality and other issues related to the proposed Rosemont copper mine, which we have reviewed under NEPA and CWA. The Forest Service will issue its Record of Decision in May, the Corps its CWA 404 decision some time thereafter. CEQ has been coordinating the multi-agency engagement. I attach a one-page briefing paper and will update Ken W, OW and OECA when EPA decision time nears.

KEY DECISIONS/ACTIONS: (FYI, no Administrator action sought)

1. **AQUIFER EXEMPTION (SDWA UIC), KERN COUNTY, CA:** next week I'll

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under 60 days.

2. **APPROVE ARIZONA REGIONAL HAZE SIP:** next week I plan to sign a

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3. **COACHELLA OZONE:**
giving final approval of
the 1997 ozone standa

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HIGHLIGHTS OF THE PAST WEEK

1. **PBF REFINERY (CAA 112r):** following our issuance of our CAA 112 r

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2. **BAY AREA EMISSIONS BANKING RULE:** we received an extension of the

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3. Thanks to Ken Wagner for a very pleasant and informative visit last Tuesday. We covered many topics and set the agenda for his return. All our materials are on the ORO sharepoint site.

PUBLIC EVENTS

Brownfields / City of Phoenix, AZ: (FYI) on April 19th and 20th we'll participate in two

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Brownfields / City of National City, CA: (FYI) on April 18, we'll attend a community

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Alexis

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